

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Kenneth Patton,

Petitioner

V.

Nevada Board of Parole Commissioners,  
*et al.*,

## Respondents

Case No. 2:19-cv-00521-JAD-NJK

# Order Denying Post-Judgment Motions

(ECF Nos. 10, 11, 12 and 13)

This action was initiated by Kenneth Patton, a prisoner at Nevada’s Ely State Prison, on April 26, 2019, when he filed a “Petition for Writ of Mandamus.”<sup>1</sup> I summarily dismissed this petition on April 11, 2019, because Patton did not pay a filing fee or apply to proceed *in forma pauperis*, because mandamus relief is unavailable in this Court as a remedy in state parole proceedings, because Patton’s petition is not on a proper form for a habeas corpus petition,<sup>2</sup> and because Patton’s petition did not state any claim on which relief could possibly be granted in any event of action.<sup>3</sup> Patton then filed a motion for reconsideration,<sup>4</sup> which I denied.<sup>5</sup> He has now filed a document entitled “Motion for Dismissed Action,”<sup>6</sup> a document entitled “Motion

<sup>1</sup> ECF No. 2.

<sup>2</sup> See Rule 2(d), Rules Governing Section 2254 Cases in the United States District Courts; LSR 3-1.

<sup>3</sup> ECF Nos. 5, 6.

4 ECF No. 8.

<sup>5</sup> ECF No. 9.

<sup>6</sup> ECF No. 10.

1 Submitting Application to Proceed *in Forma Pauperis*,<sup>7</sup> a Motion to Extend Prison Copywork  
2 Limit,<sup>8</sup> and a Motion for Appointment of Counsel.<sup>9</sup>

3 In his “Motion for Dismissed Action, Patton appears to again challenge the April 11  
4 order and judgment dismissing this action. I treat the “Motion for Dismissed Action” as another  
5 motion for reconsideration, and I deny the motion because Patton makes no showing of grounds  
6 for reconsideration.<sup>10</sup>

7 In the “Motion Submitting Application to Proceed *in Forma Pauperis*,” Patton includes a  
8 financial certificate, which shows that he may qualify for *in forma pauperis* status; however, the  
9 action remains subject to summary dismissal because it is wholly without merit. Because this  
10 action has been dismissed, I deny the “Motion Submitting Application to Proceed *in Forma*  
11 *Pauperis*,” as well as the Motion to Extend Prison Copywork Limit and the Motion for  
12 Appointment of Counsel as moot.

13 IT IS THEREFORE ORDERED that Petitioner’s “Motion for Dismissed Action” [ECF  
14 **No. 10**] is DENIED.

15 IT IS FURTHER ORDERED that Petitioner’s Motion Submitting Application to Proceed  
16 *in Forma Pauperis* [ECF No. 11] is DENIED as moot.

17 IT IS FURTHER ORDERED that Petitioner’s Motion to Extend Prison Copywork Limit  
18 [ECF No. 12] is DENIED as moot.

19 IT IS FURTHER ORDERED that Petitioner’s Motion for Appointment of Counsel  
20 [ECF No. 13] is DENIED as moot.

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21 <sup>7</sup> ECF No. 11.

22 <sup>8</sup> ECF No. 12.

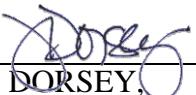
23 <sup>9</sup> ECF No. 13.

<sup>10</sup> See Fed. R. Civ. P. 60.

1 Because I find that reasonable jurists would not find this order or the order entered on  
2 April 30, 2019 (ECF No. 9) to be debatable, I deny petitioner a certificate of appealability for  
3 these orders.

4 **The Clerk of the Court is directed to accept no further filings in this case, other than**  
5 **a notice of appeal.**

6 May 17, 2019

7   
8 JENNIFER A. DORSEY,  
9 UNITED STATES DISTRICT JUDGE

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